

Serial No.: 10/627,800

PA020017

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Remarks

In view of the following discussion, the applicants submit that the claims now pending in the application are not anticipated under the provisions of 35 U. S. C. § 102, or obvious under the provisions of 35 U. S. C. § 103. Thus, the applicants believe that all of these claims are in allowable form.

REJECTIONS

A. 35 U. S. C. § 102

1. Claims 1-7 and 11-13 are not anticipated by Momose

Claims 1-7 and 11-13 stand rejected under 35 U. S. C. § 102(b) as being anticipated by Momose (U. S. Patent 7,184,380 issued February 27, 2007). The applicants submit that these claims are not anticipated by this reference.

Claims 1 and 11-13 recite a method and apparatus, respectively, for determining the format of an optical recording medium (see, the specification at page 1, lines 5-9). The method includes the steps of reading the table of contents of a first session of the recording medium (see, FIG. 3 and the specification at page 13, lines 2-3), checking whether more than one track is present in the first session and/or whether at least one track is indicated as being an audio track in the table of contents (see, FIG. 3 and page 13, lines 3-13), and determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else (see, FIG. 3 and the specification at page 13, lines 13-22).

Momose describes a playback apparatus (see, Momose at column 1, lines 7-10). In Momose, the tracks of a disk are referenced based on lead-in information in a table of contents (see, Momose at FIG. 2 and column 7, lines 26-37). Based on the lead-in information from the table of contents it is determined

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whether all tracks are audio, all tracks are data, or are mixed mode CD-DA (see, Momose at FIG. 3 and column 7, lines 34-55).

Momose does not describe or suggest a method for determining the format of an optical recording medium including the steps of reading the table of contents of a first session of the recording medium, checking whether more than one track is present in the first session and/or whether at least one track is indicated as being an audio track in the table of contents, and determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else. Rather, Momose describes a completely different arrangement in which based on the lead-in information from the table of contents it is determined whether all tracks are audio, all tracks are data, or all are mixed mode CD-DA. Since Momose does not describe or suggest a method for determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else, claims 1 and 11-13 are patentable over Momose.

Claims 2-7 depend directly, or indirectly, from claim 1. For the same reasons as stated above for claim 1, claims 2-7 are also patentable over Momose.

B. 35 U. S. C. § 103

1. Claims 8-10 are not unpatentable over Momose in view of Snow et al.

Claims 8-10 stand rejected under 35 U. S. C. § 103(a) as being unpatentable over Momose (U. S. Patent 7,184,380 issued February 27, 2007) in view of Snow et al. (U. S. Patent Publication 2003/0091338 published May 15, 2003). The applicants submit that these claims are not rendered obvious by the combination of these references.

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Claims 8-10 depend directly, or indirectly from claim 1 and recite a method for determining the format of an optical recording medium (see, the specification at page 1, lines 5-9). The method includes the steps of reading the table of contents of a first session of the recording medium (see, FIG. 3 and the specification at page 13, lines 2-3), checking whether more than one track is present in the first session and/or whether at least one track is indicated as being an audio track in the table of contents (see, FIG. 3 and page 13, lines 3-13), and determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else (see, FIG. 3 and the specification at page 13, lines 13-22).

Momose describes a playback apparatus (see, Momose at column 1, lines 7-10). In Momose, the tracks of a disk are referenced based on lead-in information in a table of contents (see, Momose at FIG. 2 and column 7, lines 26-37). Based on the lead-in information from the table of contents it is determined whether all tracks are audio, all tracks are data, or are mixed mode CD-DA (see, Momose at FIG. 3 and column 7, lines 34-55).

Momose does not describe or suggest a method for determining the format of an optical recording medium including the steps of reading the table of contents of a first session of the recording medium, checking whether more than one track is present in the first session and/or whether at least one track is indicated as being an audio track in the table of contents, and determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else. Rather, Momose describes a completely different arrangement in which based on the lead-in information from the table of contents it is determined whether all tracks are audio, all tracks are data, or all are mixed mode CD-DA. Since Momose does not describe or suggest a method for determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else, claims 8-10 are patentable over Momose.

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Snow et al. describes a method of extracting digital audio data from a medium to one or more playback files (see, Snow et al. at column 1, paragraph 0002).

Snow et al. does not describe or suggest a method for determining the format of an optical recording medium including the steps of reading the table of contents of a first session of the recording medium, checking whether more than one track is present in the first session and/or whether at least one track is indicated as being an audio track in the table of contents, and determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else. Rather, Snow et al. describes a completely different arrangement in which digital audio data is extracted from a medium to one or more playback files. Since Snow et al. does not describe or suggest a method for determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else, claims 8-10 are patentable over Snow et al.

Furthermore, since Momose only describes an arrangement in which based on the lead-in information from the table of contents it is determined whether all tracks are audio, all tracks are data, or all are mixed mode CD-DA and Snow et al. teaches extracting digital audio data from a medium to one or more playback files, the combination of these references does not describe or suggest applicants method recited in claims 8-10. In particular, claims 8-10 recite a method for determining the format of the recording medium to be audio if at least one of the checking steps yields a positive result, and determining the format to be data else. Thus, claims 8-10 are patentable over the combination of Momose in view of Snow et al.

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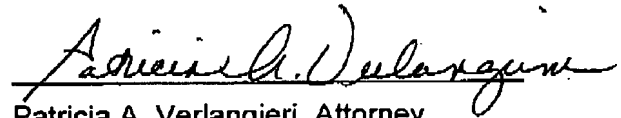
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CONCLUSION

Thus, the applicants submit that none of the claims presently in the application are anticipated under the provisions of 35 U. S. C. § 102, or obvious under the provisions of 35 U. S. C. § 103. Consequently, the applicants believe that all of the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Ms. Patricia A. Verlangieri, at (609) 734-6867, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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